THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10571 of 2007

Dated: 24-07-2007

Between:

A.Chinni Krishna.

..... PETITIONER

AND

The Deputy Collector and M.R.O.,
Kuthbullapur Mandal, Ranga Reddy District, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

Smt.Sona Bai of Dommara Pochampalli Village, Kuthbullapur Mandal, Ranga Reddy District, was statedly owner of land admeasuring Acs.10.00 in survey No.120/2. After her death, her daughter – Smt.B.Bharathi Devi succeeded to the land, who sold land to an extent of Acs.3.00 under registered sale deed dated 23.02.1982 to Smt.B.Subashini Reddy and the rest of the land to the Sisters of Charity of Saints Bortola Society. The petitioner, her son and two others purchased land from Subashini Reddy. The petitioner alleged that on 11.05.2007 at 10.00 a.m. second respondent, namely, the Mandal Revenue Inspector, visited the land and on enquiry informed the petitioner that an order/proceedings of eviction under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity) has been passed and requested to vacate the land. A Xerox copy of the proceedings No.A/250/04 dated 23.02.2007 was also handed over to the petitioner. Under said order/proceedings, first respondent, namely, the Mandal Revenue Officer, while ordering resumption of the land from the assignees for contravention of the provisions of the Act, directed second respondent and Mandal Surveyor to take possession of the land. Aggrieved by said order, instant writ petition is filed.

The learned counsel for the petitioner submits that the impugned order is bad for violation of the principles of natural justice and that in the absence of the particulars of the land assigned to Smt.Sona Bai, the impugned order is illegal and arbitrary. He also points out that after purchasing the land the petitioner submitted an application to first respondent requesting pattadar passbook (PPB)/title deed (TD) and that after conducting enquiry, having not received any objections, PPB was issued to the petitioner recognizing him as pattadar of the land and therefore, the finding that the land in possession of the petitioner is assigned land is contrary to the record. **Opposing** the writ petition, the learned Assistant Government Pleader for Revenue (Assignment) submits that first respondent, who initiated action under the provisions of the Act, after conducting local enquiry, after verifying the records and in spite of issue of notices on 24.01.2004, no objections were received, passed the impugned order dated 23.02.2007. He also points that against the orders of first respondent passed under Section 4, an appeal would lie under Section 4-A of the Act.

A perusal of the impugned order dated 23.02.2007 would show that the land in survey Nos.120/2 to 120/38 was assigned to eighteen

persons. Some of the assignees converted the land into plots and some of them sold the land to third parties/various persons. Smt.Sona Bai was assigned land admeasuring Acs.3.00 in survey No.120/2 and at the time of local enquiry, said land was found to be in occupation of the Sisters of Charity of Saints Bortola Society. First respondent appears to have issued notices to the assignees on 24.01.2004. Therefore, the remedy of the petitioner is to file an appeal and agitate/raise questions before the Revenue Divisional Officer (RDO), Ranga Reddy District. In view of the effective alternative remedy and as questions of facts are involved, this Court is not inclined to admit the writ petition.

The learned Assistant Government Pleader also submits that the land has been resumed to the Government and the same has not been assigned/allotted to third parties. Therefore, to safeguard the interests of the petitioner insofar as the land purchased by him is concerned, the respondents may maintain *status quo* till the appeal is disposed of by RDO. Two weeks time is granted to the petitioner to prefer appeal before RDO, Ranga Reddy District, who is directed to accept the appeal and dispose of the same within a period of six weeks thereafter.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

24th July, 2007
ghn